

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

WESTLEY JOHNSON,

Plaintiff,

Case No. 17-11163

v.

HON. GEORGE CARAM STEEH

COMMON GROUND SHELTER, *et al.*,

Defendants.

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ORDER ACCEPTING REPORT AND  
RECOMMENDATION AND DISMISSING COMPLAINT

On November 6, 2018, Magistrate Judge Anthony P. Patti issued a report and recommendation, proposing that the court grant Defendant Common Ground Shelter's motion to dismiss. Plaintiff Westley Johnson submitted an objection on November 28, 2018.

With respect to reports and recommendations from magistrate judges, this court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). The court "may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate." *Id.*

Magistrate Judge Patti recommends that Plaintiff's complaint be dismissed because Plaintiff has repeatedly failed to appear for his

deposition, failed to respond to the motion to dismiss, and failed to keep the court apprised of his address. Plaintiff objects to the dismissal, explaining that he has been in jail, has not received documents that were mailed to him, and had been homeless for a time period before his arrest. Plaintiff provides no explanation, however, for failing to appear for his properly noticed deposition on three separate occasions. Plaintiff's willful failure to cooperate in discovery and to otherwise prosecute this action warrants dismissal. The court agrees with Judge Patti's analysis and will accept his report and recommendation.

Accordingly, IT IS HEREBY ORDERED that Magistrate Judge Patti's November 6, 2018 report and recommendation (Doc. 31) is ACCEPTED.

IT IS FURTHER ORDERED that Defendant's motion to dismiss (Doc. 29) is GRANTED and Plaintiff's complaint is DISMISSED.

Dated: November 29, 2018

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on November 29, 2018, by electronic and/or ordinary mail and also on Westley Johnson #368803, Oakland County Jail, K-9, P.O. Box 436017, Pontiac, MI 48341.

s/Barbara Radke  
Deputy Clerk